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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,128	07/06/2001	Eric Jensen	SB14	3792
23593	7590	01/05/2004	EXAMINER	
ZITO TLP 26005 RIDGE ROAD SUITE 203 DAMASCUS, MD 20872			PEREZ, ANGELICA	
			ART UNIT	PAPER NUMBER
			2684	6

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,128

Applicant(s)

JENSEN, ERIC

Examiner

Angelica M. Perez

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The drawings are objected to because figure 5 does not include labels that match what is described in the specifications. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: On page 6, line 2; web-links are not permitted due to possible posterior changes that may occur regarding the existence of the site. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-5, 8, 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Tayloe (Tayloe et al., Patent No: 5,095,500).

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Regarding claim 1, Tayloe teaches of a method for collecting and processing received signal level data and geolocation data over a wireless system, comprising the steps of: (column 2, lines 39-47) gathering signal strength data corresponding to mobile units (column 2, lines 52-55 and column 4, lines 8-10); gathering geolocation location data corresponding to mobile units (column 2, lines 55-62 and column 4, lines 8-10); correlating the gathered signal strength data with the gathered geolocation data to identify data pairs correlating a measured signal strength at a known geolocation (column 2, lines 55-62 and column 4, lines 32-36; where the pair are the generated representation) and of generating a set of data pairs correlating measured signal strength values to specific geographic locations throughout said wireless system (column 2, lines 55-62; column 4, lines 18-21 and column 5, lines 41-49).

Regarding claim 2, Tayloe teaches all the limitations according to claim 1. Tayloe also teaches where: the signal strength data is collected by measuring the signal strength of a signal received by a cell site, from a mobile wireless unit (columns 2, lines 44-47 and column 4, lines 22-25).

Regarding claim 3, in view Tayloe teaches all the limitations of claim 1. In addition, Tayloe teaches where the signal strength data is collected by measuring the signal strength of a signal received by a wireless mobile unit, from a cell site (columns 2, lines 44-47 and column 4, lines 22-25).

Regarding claim 4, Tayloe teaches all the limitations of claim 1. In addition, Tayloe teaches where: the geographic location data is determined by

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triangulation of said mobile unit with respect to a plurality of stationary cell site antennae (column 8, lines 63-68).

Regarding claim 5, Tayloe teaches all the limitations of claim 1. Also, Tayloe teaches where: the geographic location data is determined with reference to a set of global positioning satellites (column 9, line 4).

Regarding claim 8, Tayloe teaches all the limitations of claim 1. Also, Tayloe teaches of analyzing the set of data pairs to evaluate the effective RF propagation within the wireless system (column 6, lines 59-61; where the evaluated RF propagation leads to the necessary adjustments in the RF planning).

Regarding claim 11, Tayloe teaches all the limitations of claim 1. In addition, Tayloe teaches of gathering drop call incident data from the system; and identifying the geolocation corresponding to the dropped call incidents (column 7, lines 49-59).

Regarding claim 12, Tayloe teaches all the limitations of claim 11. Also, Tayloe teaches of generating a set of data points correlating drop call incidents with geolocation of occurrence (column 7, lines 49-59; where the correlation provides the information to adjust the electromagnetic coverage of the system).

Regarding claim 14, Tayloe teaches all the limitations of claim 1. In addition, Tayloe teaches of gathering blocked call incident data from the system; and identifying the geolocation corresponding to said blocked call incidents (column 4, lines 48-50, column 5, lines 42-52 and column 8, lines 24-35).

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Regarding claim 15, Tayloe teaches all the limitations of claim 14. In addition, Montoya teaches of generating a set of data points correlating blocked call incidents with geolocation of occurrence (column 5, lines 48-50, column 5, lines 42-52 and column 8, lines 24-35; where the date is represented in graphs or tables).

Regarding claim 16, Tayloe teaches all the limitations of claim 15. In addition, Tayloe teaches of analyzing the blocked call geolocation data set to determine an effective implementation for addressing blocked calls (column 8, lines 36-49 and column 5, lines 50-52).

Regarding claim 17, Tayloe teaches all the limitations of claims 1 and 6. Also, Tayloe teaches time stamping the gathered signal strength data and the gathered geolocation data with reference to a common reference time (column 3, lines 46-50; where advanced timing techniques include time-stamp).

Regarding claim 18, Tayloe teaches of an apparatus that performs the method of claims 1. Tayloe also teaches where the apparatus (column 7, lines 14-16) comprises RF signal measurement equipment for receiving signal strength data corresponding to mobile units (column 3, lines 46-50); storage for combining the signal strength data and the geolocation data (column 16-20 of the abstract; where the data needs to be "stored" before it is correlated); a processor for identifying signal strength data elements corresponding to geolocation data elements, for generating a set of data pairs correlating signal strength values to geographic locations with in said wireless system (column 2, lines 55-62; where the processor is referred a s the "central operation and maintenance unit").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 7, 9, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tayloe (Tayloe et al., Patent No: 5,095,500) in view of Montoya (Montoya, Alexander John; US Patent No: 6,400,943).

Regarding claim 6, Tayloe teaches all the limitations of claim 1. Also, Tayloe teaches of establishing the temporal correlation of the identified data to identify data pairs within sufficiently close temporal proximity to establish correlation of a measured signal strength with a measured geolocation (column 3, lines 46-62). In addition, he teaches where the correlation includes gathered location data and gathered strength data corresponding to the same mobil unit (column 2, lines 55-62).

Tayloe does not teach of the identification of the gathered location data and gathered strength data corresponding to the same mobil unit.

In further art related to advanced positioning systems, Montoya teaches of the identification of the gathered location data and gathered strength data corresponding to the same mobil unit (column 8, lines 1-5 and 11-17; where the "identifier code" and "location code" corresponds to a specific unit).

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It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tayloe's gathered location data and gathered strength data corresponding to the same mobile unit with Montoya's identification of the data collected with the purpose of maintaining accurate positioning of each mobile station.

Regarding claim 7, Tayloe teaches all the limitations of claim 1. In addition, Tayloe teaches where the correlation includes matching the geolocation data with the signal strength data of a mobile unit based upon the receipt of data corresponding to the same mobile unit (column 13, lines 52-65). In further art, Montoya teaches where the signal strength and the geolocation are gathered in real-time at a common data receiver (column 6, lines 9-16).

Regarding claim 9, Tayloe teaches all the limitations of claim 1. Montoya further teaches of identifying the cell site which gathered each signal strength data measurement corresponding to each geolocation within the wireless system; and determining the identified cell site likely to receive a signal from a mobile unit at each identified geolocation within said wireless system (column 5, lines 9-21; where the location code that identifies helps to decide what base station corresponds to the identified location).

Regarding claim 10, Tayloe teaches all the limitations of claim 9. Montoya further teaches of redefining the projected distribution of likely server cell sites within said wireless system based upon the determination of identified likely cell sites (column 8 lines, 11-17).

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Regarding claim 13, Tayloe in view of Montoya teaches all the limitations of claim 12. Tayloe further teaches of analyzing the drop call geolocation data set to determine an effective implementation for addressing dropped calls (column 7, lines 51-59).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent No: 5,508,7070, refers to the method of determining position utilizing RF measurements.

Patent No: 6,031,490, refers to a method and system for determining the position of radio terminals.

US Patent No: 6,381,463, refers to a method and apparatus that utilizes correlation of data in order to perform handoffs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.



Angelica Perez

(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Nay A. Maung

(SPE)

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December 24, 2003